

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-8 and 10-19 are pending and stand rejected. Claims 1, 2, 3, 5, 8, 10, 11, 14, 17 and 18 have been amended.

Claims 8, 17, 18 stand rejected under 35 USC 101 for allegedly being directed to non-statutory subject matter. The Office Action refers to "a signal receivable by a receiver terminal" as lacking some physical context, and a signal per se is an abstract idea in much the same way that a mathematical algorithm without context is an abstract idea.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. Contrary to the Office Action's contention that a signal is an abstract idea similar to a mathematical algorithm without context, applicant submits that claims 8, 17 and 18 provides sufficient context for the subject matter claimed. However, to advance the prosecution of this matter, the claims have been amended to recite a receiver capable of rendering a video signal based on a received signal. In accordance with the amendments, the claims now relate to a receiver suitable for processing a signal.

Applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claims 1, 2, 5, 10, 11, 14 and 19 stand rejected under 35 USC 103(a) as being unpatentable over Signes (USP no. 6,911,982) in view of Yogeshwar (USP no. 6,219,043).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, the independent claims have been amended to recite that "data relating to scene modification is stored at a second known rate beginning at a second known offset value, said offset value and second offset value not being equal." No new matter has been added. Support for the amendment may be found at least on page 3, lines 3-5 ("For example, access points are transmitted every i seconds starting from an initial instant t_0 onwards, and data relating to scene modifications every j milliseconds from the instant t_1 onwards, shifted by k milliseconds relative to t_0 (with $k \neq j$).")

Signes teaches a data signal for modifying a graphic scene displayed on at least one terminal, the graphic scene mode of a set of graphic objects and each object defined by at least one field. The data signal includes frames containing information for updating the graphic scene. Some of the frames also contain a command to completely replace the graphic scene with a new scene. Further, a method of transmitting a data signal to modify a graphic scene displayed on a terminal is disclosed. Signes also discloses a terminal for displaying a graphic scene, the terminal processing a signal for modifying the graphic scene. (see Abstract).

The Office Action acknowledges that Signes fails to disclose forming a plurality of instants at a first known rate beginning at a known offset value from a given instant. Yogeshwar is cited for teaching the claim element found not to exist in Signes.

Yogeshwar discloses a method and system to replace sections of an encoded video bitstream. Yogeshwar discloses constructing an index table based on a time code containing the byte offset into a log file of each picture. The Office Action further refers to col. 24, lines 3-15, for teaching that the plurality of instants are formed at a first known rate.

However, a review of the referred to section reveals that Yogeshwar teaches presenting a plurality of intervals, for which the images within the intervals are subject to priority (or image editing) evaluation. However, Yogeshwar fails to teach that the time code index is related to the intervals referred to.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met;

1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings;
2. there must be a reasonable expectation of success; and
3. the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

With regard to the invention as recited in claim 1, applicant respectfully submits

that a *prima facie* case of obviousness has not been set forth

Notwithstanding the arguments made above, the independent claims have further been amended to recite that the "data relating to scene modification is stored at a second known rate beginning at a second known offset value, said offset value and second offset value not being equal." Neither Signes nor Yogeshwar teach or suggest data related to scene modification be stored or transmitted at a second rate and a second offset value and that the first and second offset values are not equal.

At least for this reason also, applicant submits that the rejection of the claim has been overcome and can no longer be sustained.

Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to the remaining independent claims, are also allowable for the amendment made to these claims, which is similar to the amendment made with regard to claim 1 and for the remarks made in response to the rejection of claim 1, which are also applicable in response to the rejection of these claims, and reasserted, as if in full, herein.

Applicant respectfully requests withdrawal of the rejection and allowance of the remaining independent claims.

With regard the remaining claims, these claims ultimately depend from the independent claims, which have been shown to contain subject matter not disclosed by, and, hence, allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

For at least this reason, applicant respectfully requests withdrawal of the rejection and allowance of the remaining dependent claims.

Claims 3-4, 6-8, 12-13 and 15-18 stand rejected under 35 USC 103(a) as being unpatentable over Signes and Yogeshwar and further in view of the ISO/IEC MPEG 4 Standards Document authored by the MPEG.

The aforementioned claims depend from the independent claims, which have been shown to contain subject matter not disclosed by the combination of Signes and Yogeshwar. Contrary to the statements made in the Office Action, the cited reference regarding MPEG fails to provide any teaching or suggestion to correct the deficiency

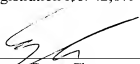
noted in the combined references. Hence, even if there were some motivation to combine the teachings of the cited references, the device so formed fails to teach all the features recited in the independent claims, and consequently, the aforementioned dependent claims.

Thus, the subject matter recited in the aforementioned claims is not rendered obvious by the teachings of the cited references. For at least this reason, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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